

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RED BARN MOTORS, INC.,	*	
DONALD B. RICHARDSON, AND	*	CIVIL ACTION No.: 3:13-cv-00778-BAJ-RLB
BARBARA A. RICHARDSON	*	
	*	
VERSUS	*	
	*	
NEXTGEAR CAPITAL, INC.	*	
AS SUCCESSOR-IN-INTEREST TO	*	
DEALER SERVICES CORPORATION,	*	
LOUISIANA'S FIRST CHOICE	*	
AUTO AUCTION, L.L.C.	*	

**MOTION FOR LEAVE TO FILE REPLY MEMORANDUM BY NEXTGEAR CAPITAL,
INC. TO PLAINTIFFS' MEMORANDUM IN OPPOSITION OF THE
MOTION TO TRANSFER**

NextGear Capital, Inc., f/k/a Dealer Services Corporation, successor by merger with Manheim Automotive Financial Services, incorrectly named defendant as NextGear Capital, Inc., as successor-in-interest to Dealer Services Corporation (hereinafter "NextGear"), appearing herein through undersigned counsel, hereby moves for leave to file a reply to Plaintiffs' Memorandum in Opposition of the Motion to Transfer ("Opposition").

After reviewing the Opposition, NextGear believes a reply memorandum is necessary. The purpose of the reply memorandum is to address a number of erroneous contentions and misinterpretations of the law by Plaintiffs in their Opposition (R.Doc. 14), in an effort to assist the Court in its consideration on the motion to transfer.

Plaintiffs are seeking enforcement of an agreement between the parties, which contains a forum selection clause, mandating venue in state or federal courts of Marion or Hamilton County, Indiana. Because the forum selection clause was not procured by fraud nor constitutes an "exceptional case," this Court should follow recent Supreme Court precedent and enforce the

clause. Accordingly, NextGear respectfully requests that the Court grant its motion for leave to file a reply memorandum.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10th day of March 2014 served a copy of the foregoing on all counsel of record via electronic service by the court's CM\ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

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CIVIL ACTION No.: 3:13-cv-00778-BAJ-RLB

ORDER

Considering the foregoing Motion for Leave to file the Reply Memorandum to Plaintiffs' Memorandum in Opposition of the Motion to Transfer,

IT IS HEREBY ORDERED that the Motion for Leave is GRANTED and that NextGear Capital Inc.'s Reply Memorandum to Plaintiffs' Memorandum in Opposition to the Motion to Transfer be filed accordingly .

Baton Rouge, Louisiana, this ____ day of March, 2014.

UNITED STATES DISTRICT JUDGE